

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CRIMINAL NO. 3:06cr00391

UNITED STATES OF AMERICA,)

vs.)

CLARENCE ANTWAINE ADAMS,)

Defendant.)

ORDER

THIS MATTER is before the Court on Defendant's Motion for Bond Review (Doc. No. 111), filed September 17, 2007. On January 23, 2007, Defendant entered into a guilty plea whereby he pleaded guilty to a violation of 21 U.S.C. § 841(a)(1), which carries a maximum sentence of forty (40) years. (Doc. No. 72). This guilty plea was accepted by the Honorable Magistrate Judge Carl Horn III on January 30, 2007. (Doc. No. 83). Under the Bail Reform Act of 1984, Defendant must be detained because he has been found guilty of an "offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. § 801 et. seq)" and is awaiting imposition of a sentence. See 18 U.S.C. § 3143(a)(2); 18 U.S.C. § 3142(f)(1)(c); cf. US v. Moffitt, 2006 WL 3240752 (W.D.N.C., November 7, 2006) (holding that a guilty plea that is accepted by a magistrate judge qualifies as being "found guilty" under the terms of § 3143). Accordingly, Defendant's request is DENIED

IT IS, THEREFORE, ORDERED that Defendant's Motion for Bond Review (Doc. No. 111) is DENIED.

Signed: November 6, 2007



Frank D. Whitney
United States District Judge

